

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

THOMAS OVERBAUGH,

Petitioner,

v.

**1:06-CV-69
(GLS)**

UNITED STATES,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

Green, Hershderfer Law Firm
One Lincoln Center
Suite 330
Syracuse, New York 13202-1309

THOMAS J. MURPHY, ESQ.

FOR THE RESPONDENT:

HON. GLENN T. SUDDABY
United States Attorney
445 Broadway
218 James T. Foley U.S. Courthouse
Albany, New York 12207-2924

RICHARD S. HARTUNIAN
Assistant U.S. Attorney

**Gary L. Sharpe
U.S. District Judge**

Decision and Order

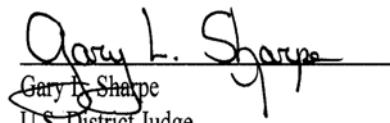
On January 18, 2006, Thomas Overbaugh filed a petition for a writ of

habeas corpus pursuant to 28 U.S.C. § 2255. On June 24, 2008, Overbaugh, through his counsel, sought withdrawal of his petition. The Government has taken no position. Accordingly, the request to withdraw his petition is granted.

WHEREFORE, for the foregoing reasons, it is hereby
ORDERED that Overbaugh's petition is dismissed; and it is further
ORDERED that the Clerk provide copies of this Decision and Order to the parties.

IT IS SO ORDERED.

Albany, New York
Dated: August 14, 2008



Gary L. Sharpe
U.S. District Judge